

DEVELOPMENT REVIEW COMMITTEE – June 15, 2021
CONDITIONS OF APPROVAL

34 & 36 N. Santa Cruz Avenue
Conditional Use Permit Application U-21-015

Requesting Approval for a New Restaurant (Chez Philippe) with Alcohol Service on Property Zoned C-2. APN 529-03-027.

PROPERTY OWNER: Brenda Molineux, Trustee

APPLICANT: Philippe Leroy and Deena Elkassed

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval and in substantial compliance with the approved plans. Any intensification beyond this authorized use requires a Conditional Use Permit amendment.
2. EXPIRATION: The approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested per Section 29.20.335 of the Town Code. Reasonable extensions of time not exceeding one year may be granted upon application, and can be granted if approved by the deciding body prior to the expiration date. Therefore, it is recommended that applications for a time extension be filed with the Community Development Department at least 60 days prior to the expiration date of the approval.
3. LAPSE FOR DISCONTINUANCE: If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.
4. USE: A restaurant use with alcohol service is permitted.
5. HOURS OF OPERATION: The hours of operation shall be limited to 7:00 a.m. to 1:00 a.m., seven days a week.
6. BUSINESS LICENSE: A business license from the Town of Los Gatos Finance Department including a Certificate of Use and Occupancy approval from Planning must be obtained prior to the commencement of any new or change of use.
7. LIVE ENTERTAINMENT: Live entertainment until 10:00 p.m. is permitted in conformance with the Town Policy regulating Late Night Entertainment.
8. GENERAL: Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
9. CONFORMANCE WITH CODE. No part of this approval shall be construed to permit a violation of any part of the Code of the Town of Los Gatos.
10. COMPLIANCE WITH LOCAL, STATE, and FEDERAL LAWS. The subject use shall be conducted in full compliance with all local, state, and federal laws.
11. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

12. COMPLIANCE MEMORANDUM: A memorandum, in compliance with standard Town practice, shall be prepared and submitted with the building permit detailing how the conditions of approval will be addressed.

Building Division

13. PERMITS. No work requiring Building Permits can commence without issuance of any required Building Permits. Building Permit plan review, including review by the Santa Clara County Fire Department and the Parks and Public Works Department, will be part of any required Building Permit application process. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official.
14. ACCESSIBILITY. In addition to all new work complying with the Code for accessibility, when existing buildings are altered or remodeled, they must be made accessible to persons with physical disabilities in accordance with the CBC Section 11B-202, "Existing buildings and facilities".

Building Division

15. PERMITS. This approval shall not be construed to be an approval of a violation of the provisions of the California Fire Code or of other laws or regulations of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of the fire code or other such laws or regulations shall not be valid. No work requiring issuance of Santa Clara County Fire Department (SCCFD) permits can commence without issuance of any required SCCFD permits.

Additional Agency Review

16. ADDITIONAL REQUIREMENTS. Additional agencies may require conformance review or permits for additional requirements, including but not limited to, Santa Clara County Environmental Health Department, West Valley Sanitation, and West Valley Collection and Recycling.